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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Boston Scientific Corporation, et al., NO. C 02-01474 JW

Plaintiffs,

v.

Cordis Corporation,

Defendant.

**ORDER FOLLOWING CASE
MANAGEMENT CONFERENCE**

On September 17, 2007, the Court conducted a case management conference. Boston Scientific Corporation and Target Therapeutics, Inc. (collectively, "Plaintiffs"), and Cordis Corporation ("Defendant") were represented by counsel. With respect to the outstanding motions, the Court orders as follows:

For each motion listed below, the moving party shall compile a three ring binder containing (1) the motion and any supporting memorandum of law; (2) the opposition memorandum; (3) any reply memorandum; and (4) any exhibits in support or opposition to the motion, which shall be clearly labeled. At the beginning of each binder the moving party shall include, as appropriate, a Chart A or B, in the format described below; each statement shall be supported by appropriate citations to the motion papers and or exhibits.

- A. Plaintiffs' Motion for Summary Judgment of No Inequitable Conduct
- B. Plaintiffs' Motion for Summary Judgment of Infringement
- C. Defendant's Cross- Motion for Summary Judgment of Noninfringement
- D. Plaintiffs' Motion for Summary Judgment Regarding Validity of the Radiopaque Marker Claims
- E. Defendant's Cross- Motion for Summary Judgment Regarding Invalidity of the Radiopaque Marker Claims

1 F. Plaintiffs' Motion to Preclude Expert Re: Untimely Disclosure
 2 G. Defendant's Motion to Strike Declaration of Dr. Duckwiler
 2 H. All future dispositive motions in the case

3 All binders for pending motions shall be delivered to the Court (by way of the Clerk's office)
 4 by **Tuesday, September 25, 2007, 3 PM, Pacific time.**

5 **Chart A - Summary of Infringement Issues**

6 Patent Claim/Elements	7 Stipulated Construction/Court Construction	8 Accused Product	9 Defense Asserted
9 '000 Patent, Claim 1			
10 an apparatus comprising	apparatus means: "a device which. . ."	Riverside Model 2	
11 1. a handle	"handle" means a part held by the human hand	Riverside Model 2	the product lacks a handle

12 **Chart B - Summary of Invalidity Issues**

13 Title of Motion	14 Patent	15 Claim No.	16 Basis of challenge	17 Summary of argument in support of motion	18 Summary of argument in opposition to motion	19 Comments
16 Partial Motion for Summary Judgment of Invalidity	'000	Claim 3	Lack of Disclosure of Best Mode	The specification states that the inventor was aware [See '000 Patent, Col 3:5-10]	The reference is to a different invention.	This matter is controlled by the Court's claim construction of the following terms:

22 Dated: September 20, 2007

23 
 24 **JAMES WARE**
 25 United States District Judge

United States District Court

For the Northern District of California

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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14 **Dated: September 20, 2007**

Richard W. Wieking, Clerk

16 By: /s/ JW Chambers
17 **Elizabeth Garcia**
18 **Courtroom Deputy**